

### **REMARKS**

This is in response to the Office Action mailed on February 7, 2007.

Claims 1, 4, 13, 15, 25, and 29 are amended, claims 2, 3, 14, and 28 are canceled, and no claims are added; as a result, claims 1, 4-13, 15-27, and 29-37 are now pending in this application.

#### **§102 Rejection of the Claims**

Claims 1-4, 10, 13-22 and 25-31 were rejected under 35 USC § 102(b) as being anticipated by Fiore et al. (WO 02/082275 A1).

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). It is not enough, however, that the prior art reference discloses all the claimed elements in isolation. Rather, "[a]nticipation requires the presence in a single prior reference disclosure of each and every element of the claimed invention, *arranged as in the claim*." *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (*emphasis added*). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); MPEP § 2131.

Independent claims 1, 13, and 25 have been amended to recite that a time stamp is applied to the data annotation, and that there is a comparison of the time stamp of the data annotation to an image count when searching for a segment of the images. These limitations were recited in claims 2 and 3 of the claims as originally filed. The Office Action rejected claim 3 under 35 U.S.C. § 102(b) as being anticipated by WO 02/082275 to Fiore et al. In this rejection, the Office Action pointed to paragraph 57 and claim 9 of Fiore. However, the Applicant respectfully submits that paragraph 57 and claim 9 of Fiore do not disclose at least a comparison of a time stamp to an image count when searching for a segment of an image. Rather, the cited sections of Fiore merely relate to data frames that have a time stamp that is proximate to a time of an event from an event database. The comparison of time stamps on data

frames to time stamps of an event are not the same as the recitation in amended claims 1, 13, and 25 that the time stamp of a data annotation is compared to an image count.

Consequently, the Applicant respectfully submits that amended independent claims 1, 13, and 25 are not anticipated by Fiore. Additionally since claims 2-4, 10, 13-22, and 25-31 all depend either directly or indirectly on claims 1, 13, or 25, these claims are likewise not anticipated by Fiore.

### §103 Rejection of the Claims

Claims 5-8, 23, 24, 32-34, 36 and 37 were rejected under 35 USC § 103(a) as being unpatentable over Fiore et al. (U.S. WO 02/082275 A1) as applied to claims 1-4, 10, 13-22 and 25-31 above, and further in view of Brown et al. (WO 01/13637 A1).

Claims 11 and 12 were rejected under 35 USC § 103(a) as being unpatentable over Fiore et al. (U.S. WO 02/082275 A1) as applied to claims 1-4, 10, 13-22 and 25-31 above, and further in view of Arazi et al. (US 6,330,025 B1).

Claim 35 was rejected under 35 USC § 103(a) as being unpatentable over Fiore et al. (WO 02/082275 A1) in view of Brown et al. (WO 01/13637 A1), and further in view of Arazi et al. (US 6,330,025 B1).

The Patent Office bears the initial burden of factually supporting a *prima facie* case of obviousness. (MPEP § 2142). In order for the Office Action to establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. (MPEP § 2142).

Claims 5-8, 23, 24, 32-34, 36, and 37 all depend either directly or indirectly on one of the amended independent claims 1, 13, or 25. As such, each of these claims includes the limitations that a time stamp is applied to the data annotation, and that there is a comparison of the time stamp of the data annotation to an image count when searching for a segment of the images. As pointed out above in the previous section, the cited references do not disclose this feature. Therefore, the Applicant respectfully submits that the Office Action has failed to establish a *prima facie* case of obviousness, and further respectfully requests the withdrawal of the rejection of claims 5-8, 23, 24, 32-34, 36, and 37.

### **Reservation of Rights**

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 371-2140 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

WOEI LING LEOW ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 373-6972

Date

May 7, 2007

By

David D. Zarilla  
Reg. No. 36,776

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 7th day of May, 2007.

Name

Dawn M. Paule

Signature

Dawn M. Paule